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WATER POLLUTION CONTROL AUTHORITY  
REGULAR MEETING  
September 8, 2011

1. CALL TO ORDER

Chairman Philip Richardson called the regular meeting of the Water Pollution Control Authority to order at 7:30 p.m. at the Simsbury Water Pollution Control Facility Conference Room, 36 Drake Hill Road, Simsbury. The following members were present: Warren Coe, Paul Gilmore, Michael Park, Loren Shoemaker and Jay Sheehan. Also present were: James Clifton, WPC Superintendent as well as other interested parties.

Mr. Richardson welcomed new member, Jay Sheehan, to the Authority.

2. SAFETY BRIEF

Mr. Richardson gave a safety brief which included the location of emergency exits in the industrial facility.

3. PRESENTATION - DYNO NOBEL, INC. – RICH HIGLEY

Mr. Higley stated that Dyno Nobel has owned the sewer system in the Woodland Street area since 2003. The company has spent a great deal of time and money fixing sewer problems as they arise. In 2008-2009, Dyno Nobel spent approximately \$100,000 on repairs. Although it is the responsibility of Dyno Nobel to fix these problems, they are not obligated to incur the costs. The company's attorney will be sending out a letter to all homeowners that are on this sewer system in order for Dyno Nobel to be compensated for repairs going forward.

Mr. Sawitzke gave a brief history of the area and the private sewer system.

Mr. Gilmore reviewed the draft letter that will be sent out to these homeowners. He suggested that Simsbury's Town Attorney also review this letter prior to it being sent out. He also stated that the WPCA should be familiar with how Dyno Nobel's sewer system works and what the Town's

obligations are. Mr. Clifton stated that this system is equivalent to the system at Powder Forest Homes, although their main lines are owned by the Town.

Mr. Sheehan made a motion to amend the agenda to hear the report from the FCC Policy Review Subcommittee next. Mr. Shoemaker seconded the motion, which was unanimously approved.

#### 4. REPORT FROM FCC POLICY REVIEW SUBCOMMITTEE

Mr. Gilmore stated that the FCC Subcommittee has met several times over the summer. At their last meeting, Mr. Clifton was asked to get cost and timing estimates from a consultant regarding assisting in the evaluation of what may be the best economic model to accurately apportion the cost that the WPCA has attempted to recapture through the FCC with a view towards it being something that is clear and supportive of the Town's economic development initiatives with respect to the two newly created zones. Mr. Gilmore stated that the Subcommittee has also agreed to formulate a statement for the Town's use for the upcoming economic development showcase event, which he read to the WPCA members.

Mr. Clifton stated that he met with Dennis Setzko and Maureen Crowley from AECOM to discuss the FCC issue. Ms. Crowley has worked closely with the Town and helped develop the Facilities Plan; she is already knowledgeable about the Town of Simsbury. Mr. Clifton stated that he has not yet received the proposal for this analysis, although the process continues to move forward. There are funds available for this analysis. Mr. Gilmore stated that he would like to see the proposal for the scope of work that will be performed in order to make sure everyone is on the same page.

Mr. Nelson of Landworks Development stated that he appreciates all of the hard work of the FCC Policy Review Subcommittee members. Dr. Park stated that the two meetings that have already taken place have been very productive in clarifying the issues.

Mr. Shoemaker made a motion to accept Mr. Gilmore's write-up of the plan for action for Showcase Simsbury as a statement of intent and not a policy of the Water Pollution Control Authority. Dr. Park seconded the motion, which was unanimously approved.

Mr. Clifton stated that when he gets the proposal from Ms. Crowley he will email the FCC Policy Review Subcommittee to schedule a meeting.

#### 5. MITCHELL KLEIN – 99 DEER PARK ROAD

Mr. Clifton stated that the residents at 99 Deer Park Road have a failed

septic system, which the Farmington Valley Health District has deemed to be in violation of the Connecticut Public Health Code. He stated that the homeowners cannot afford the costs of connecting to the sewer system, including the contractor's cost and the FCC. Mr. Clifton stated that the Town Attorney has written a letter that includes several steps that will need to be taken if the Authority considers the homeowner's request that the total cost be amortized over a ten year period.

Mr. Gilmore stated that a public hearing will need to be held in order to evaluate and make a determination whether or not the Water Pollution Control Authority will order the homeowner to connect to the sewer system. If the homeowner is unable to pay the costs of connecting to the sewer system, Mr. Gilmore suggested that the homeowner apply for loans at three financial institutions. This will be the least invasive way to determine if the homeowner is in need of financial assistance. If the homeowner is turned down for these loans, the WPCA can request a copy of the loan application under the Freedom of Information Act.

Mr. Gilmore suggested that if the WPCA needs to order the homeowner to connect to the sewer system, that the Town Attorney draft a document that would serve as an order pursuant to the State Statute to connect. Mr. Richardson stated that a public hearing will need to be held and notification will need to be made to the homeowner regarding the process.

Mr. Sawitzke stated that if the homeowner could afford the lateral on his lot and the tank crushing costs, the Town could assess for a sewer extension up to the property. Mr. Richardson suggested that Mr. Clifton talk to the homeowner regarding this option. If this option is agreed to by the homeowner, an order to connection would not be needed. Mr. Richardson suggested, as a contingency, that a motion be made that if this option is not acceptable to the homeowner, that the WPCA authorizes Mr. Clifton to schedule a public hearing at a special meeting at the earliest convenience of the WPCA.

Mr. Shoemaker made a motion to authorize Mr. Clifton to schedule a public hearing relative to 99 Deer Park Road after his discussion with the homeowner, giving sufficient time for the homeowner to determine which option he will take. Mr. Coe seconded the motion, which was unanimously approved.

#### 6. JUNE 13, 2011 AND JULY 21, 2011 SPECIAL MEETING MINUTES – POSSIBLE APPROVAL

Mr. Shoemaker made a motion to approve the June 13, 2011 minutes as written. Dr. Park seconded the motion, which was approved. Mr. Richardson and Mr. Sheehan abstained.

Dr. Park made a motion to approve the July 21, 2011 minutes as written. Mr. Coe seconded the motion, which was approved. Mr. Richardson and Mr. Sheehan abstained.

7. CORRESPONDENCE

Mr. Clifton reviewed several correspondences with the Authority members. He stated that before 7 Village Road could close on the sale of their house, a letter was needed stating that the property is connected to the sewer system and that there are no outstanding financial obligations to the WPCA. Regarding the Ethel Walker equestrian expansion, Mr. Clifton stated that there will be no FCC fees associated with this project because the plans have been revised and the expansion is now less significant.

8. STATUS REPORTS ON SEWER EXTENSION PROJECTS, ETC. – R. SAWITZKE

Mr. Sawitzke stated that they have completed the two projects on Bushy Hill Road and Pheasant Lane. An assessment hearing will need to be held in October for these two properties. He stated that there is an upcoming sewer extension project at 212 Bushy Hill Road. The Town has also received a request for an extension on Seminary Road. Mr. Sawitzke stated that he will report back to the Authority regarding this project at the November meeting.

Mr. Gilmore made a motion to hold a public hearing at the October 13, 2011 meeting for the completed projects on Bushy Hill Road and Pheasant Lane. Mr. Shoemaker seconded the motion, which was unanimously approved.

9. POSSIBLE BUDGET REVISION – J. CLIFTON

Mr. Clifton stated that the combination vacuum/flusher truck is in the budget, although the size of the truck is too big for the existing garage at the facility. He has received a design to extend the garage in order to store the truck as well as house additional equipment.

10. TREATMENT FACILITY REPORT – J. CLIFTON – There was no report.

11. SEWER USE BILLING POLICY CLARIFICATION – J. CLIFTON

Mr. Clifton stated that there is a business owner who would like to be billed for four quarters instead of the current formula. He has stated that his business is very slow in the summer and he does not irrigate. By calculating his sewer use bill using four quarters, he will save approximately \$179.40 per year.

After a short discussion, the Authority agreed that they would not change the sewer user calculation. Mr. Richardson suggested that Mr. Clifton draft a letter to Mr. Antonio stating that the Authority has reviewed this request and considered the impact of what this change would be as a matter of policy. A determination was made that there are no exceptions to this policy.

12. OTHER BUSINESS - There was none.

13. ADJOURN

Mr. Coe made a motion to adjourn the meeting at 9:04 p.m. Mr. Sheehan seconded the motion, which was unanimously approved.

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Philip Richardson, Chairman